UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
GENERAL

SPLOS/35
31 March 1999

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Ninth meeting
New York, 19-28 May 1999

ANNUAL REPORT OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA FOR 1998

Presented by the Registrar

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I. INTRODUCTION

1. The present report of the International Tribunal for the Law of the Sea is submitted to the Meeting of States Parties under article 6, paragraph 3 (d), of the Rules of Procedure for Meetings of States Parties. The report covers one calendar year, from 1 January to 31 December 1998.

2. The Tribunal is an international judicial body established by the 1982 United Nations Convention on the Law of the Sea (hereinafter "the Convention"). It functions in accordance with its Statute (hereinafter "the Statute"), as contained in Annex VI to the Convention, as well as in the relevant provisions of Part XV and Part XI, section 5, of the Convention.

3. In accordance with article 2 of the Statute, the Tribunal is composed of 21 members, elected by the States Parties to the Convention, as provided for by article 4 of the Statute.

4. The 21 judges of the Tribunal were elected at the Meeting of States Parties on 1 August 1996. The judges, in order of precedence, are:

Name	Country	Date of expiry of term of office
Thomas A. Mensah	Ghana	30 September 2005
Rüdiger Wolfrum	Germany	30 September 1999
Lihai Zhao	China	30 September 2002
Hugo Caminos	Argentina	30 September 2002
Vicente Marotta Rangel	Brazil	30 September 1999
Alexander Yankov	Bulgaria	30 September 2002
Soji Yamamoto	Japan	30 September 2005
Anatoly Lazarevich Kolodkin	Russian Federation	30 September 1999
Choon-Ho Park	Republic of Korea	30 September 2005
Paul Bamela Engo	Cameroon	30 September 1999
L. Dolliver M. Nelson	Grenada	30 September 2005
P. Chandrasekhara Rao	India	30 September 1999
Joseph Akl	Lebanon	30 September 1999
David Anderson	United Kingdom	30 September 2005
Budislav Vukas	Croatia	30 September 2005
Joseph Sinde Warioba	United Republic of Tanzania	30 September 1999
Edward Arthur Laing	Belize	30 September 2002
Tullio Treves	Italy	30 September 2002
Mohamed Mouldi Marsit	Tunisia	30 September 2005
Gudmundur Eiriksson	Iceland	30 September 2002
Tafsir Malick Ndiaye	Senegal	30 September 2002

5. Judge Thomas A. Mensah serves as President of the Tribunal and Judge Rüdiger Wolfrum as Vice-President.

6. The Registrar is Mr. Gritakumar E. Chitty of Sri Lanka and the Deputy Registrar is Mr. Philippe Gautier of Belgium.

II. SESSIONS OF THE TRIBUNAL

7. During the period under review, the Tribunal held two sessions. The fifth session took place from 16 February to 20 March 1998. This organizational session was held in conjunction with the proceedings concerning the M/V "Saiga" (No.2) case (request for the prescription of provisional measures). The sixth session took place from 21 September to 9 October 1998 and was devoted to organizational matters and consideration of arrangements for the further proceedings on the M/V "Saiga" (No.2) case.

III. JUDICIAL WORK OF THE TRIBUNAL

The M/V "Saiga" (No.2) case

8. On 13 January 1998, a Request for the prescription of provisional measures, pending the constitution of an arbitral tribunal, was filed in the Registry of the Tribunal by Saint Vincent and the Grenadines in accordance with article 290, paragraph 5, of the Convention. The Request was accompanied by a copy of a document dated 22 December 1997, instituting arbitral proceedings against Guinea. The case concerned a dispute between Saint Vincent and the Grenadines and Guinea arising from the arrest and detention of the M/V "Saiga". A Request for the prompt release of the ship and its crew was the subject of the first Judgement of the Tribunal of 4 December 1997.[1]

9. The written proceedings on the Request for provisional measures consisted of a Statement in response submitted by Guinea on 30 January 1998, a Reply by Saint Vincent and the Grenadines filed in the Registry on 13 February 1998 and a Rejoinder submitted by Guinea on 20 February 1998.

10. By an exchange of letters dated 20 February 1998, the parties agreed to submit to the Tribunal the dispute concerning the M/V "Saiga", including the Request for provisional measures. In their agreement, the parties requested that the case be considered as having been submitted to the Tribunal on 22 December 1997, and that the Request for the prescription of provisional measures be considered as having been submitted to the Tribunal under article 290, paragraph 1, of the Convention.

11. By an Order dated 20 January 1998, the Tribunal decided to accept the submission of the case on the terms requested by the parties and the case was entered in the List of Cases as the M/V "Saiga" (No.2) case.

12. The hearing took place on 23 and 24 February 1998 in the Great Hall of the Hamburg City Hall. In the absence of a courtroom in the temporary premises of the Tribunal at that time, arrangements were made with authorities of the host country for the provision of a suitable courtroom for the hearing in the case.

13. On 11 March 1998, at a public sitting held in the Chamber of Commerce in Hamburg, the Tribunal delivered its Order on the Request for the prescription of provisional measures.

14. By an Order of 23 February 1998, the Tribunal fixed the time limits for the filing of the written pleadings in the case. Accordingly, Saint Vincent and the Grenadines submitted its Memorial on 19 June 1998. Upon the request of Guinea, the Tribunal, by an Order of 16 September 1998, extended the time limit for the filing of the Counter-Memorial. Consequently, Guinea submitted its Counter-Memorial on 16 October 1998.

15. On 6 October 1998, the Tribunal issued an Order setting the time limits for the filing of the second round of pleadings. Saint Vincent and the Grenadines filed its Reply on 19 November 1998 and Guinea its Rejoinder on 28 December 1998.

IV. OTHER ACTIVITIES

16. On 22 December 1997, the President was requested by Saint Vincent and the Grenadines to appoint an arbitrator pursuant to article 3 of Annex VII to the Convention. The arbitrator was to sit on the arbitral tribunal to be constituted to consider the case submitted by Saint Vincent and the Grenadines against Guinea in connection with the arrest and detention of the M/V "Saiga" and its crew. The President held consultations with the parties and with experts on the list maintained by the Secretary-General of the United Nations pursuant to Annex VII to the Convention. However, action was discontinued following the agreement by the Government of Saint Vincent and the Grenadines and the Government of Guinea to submit the case to the Tribunal.

17. Under the Agreement on Free Transit through the Territory of Croatia to and from the Port of Ploče and through the Territory of Bosnia and Herzegovina at Neum of 22 November 1998, a commission composed of seven members is to be established to supervise, monitor, interpret and arbitrate the implementation of the Agreement. Pursuant to the Agreement, the parties requested the Tribunal to nominate the seventh member of the commission to serve as president of the commission. The Tribunal nominated Judge Thomas A. Mensah, President of the Tribunal, to serve as the seventh member of the said commission.

V. CHAMBERS

A. Seabed Disputes Chamber

18. In accordance with article 14 of the Statute, the Seabed Disputes Chamber consists of 11 judges selected by the members of the Tribunal from among themselves.[2] The composition of the Chamber, in order of precedence, is as follows:

President: Akl

Judges: Zhao, Marotta Rangel, Bamela Engo, Nelson, P. Chandrasekhara Rao, Anderson, Vukas, Warioba, Treves, Ndiaye

19. The Seabed Disputes Chamber met during the sixth session and exchanged views on the future work of the Chamber.

20. The term of office of the members of the Chamber expires on 30 September 1999.

B. Special Chambers

1. Chamber of Summary Procedure

21. The Chamber of Summary Procedure is composed of five members and two alternates. According to article 28 of the Rules of the Tribunal, the President and the Vice-President of the Tribunal are ex officio members of the Chamber, with the President of the Tribunal serving as President of the Chamber. The Chamber is constituted annually.

22. During the sixth session, on 6 October 1998, the Chamber was constituted for the period ending on 30 September 1999. The composition of the Chamber, in order of precedence, is as follows:

President: Mensah

Judges: Wolfrum, Yamamoto, Vukas, Laing

Alternates: Akl, Anderson

2. Chamber for Fisheries Disputes

23. The Chamber for Fisheries Disputes is established in accordance with article 15, paragraph 1, of the Statute and consists of seven members.

24. The composition of the Chamber for Fisheries Disputes, in order of precedence, is as follows:

President: Caminos

Judges: Yamamoto, Bamela Engo, Chandrasekhara Rao, Anderson, Laing, Eiriksson

25. The terms of office of the members of the Chamber expires on 30 September 1999.

3. Chamber for Marine Environment Disputes

26. The Chamber for Marine Environment Disputes is established in accordance with article 15, paragraph 1, of the Statute and consists of seven members.

27. The composition of the Chamber for Marine Environment Disputes, in order of precedence, is as follows:

President: Wolfrum

Judges: Yankov, Yamamoto, Kolodkin, Park, Warioba, Marsit

28. The term of office of the members of the Chamber expires on 30 September 1999.

VI. COMMITTEES AND WORKING GROUPS

A. Committees

29. At the sixth session, on 8 October 1998, the Tribunal decided to extend the terms of office of the members of the committees until the committees are reconstituted in October 1999. The members of the committees had been selected at the third session, on 29 April 1997, to serve for the period ending on 30 September 1998. The committees were established at that session to deal with certain aspects of the work on organizational matters and are the following:

Committee on Budget and Finance;
Committee on Rules and Judicial Practice;
Committee on Staff and Administration;
Committee on Library and Publications.[3]

B. Working Groups

30. At its sixth session, on 7 October 1998, a working group on buildings and electronic systems was established as a standing body and replaced an informal group which had been appointed at the fourth session.[4] The composition of the working group and the terms of reference will be determined at the seventh session.

VII. RULES OF THE TRIBUNAL

31. At the sixth session, the Tribunal considered a list of corrections to the French text of the Rules proposed by the Registry. The corrections were examined in an informal working group coordinated by Judge Akl. On 8 October 1998, the corrections to the French text of the Rules were adopted in the form of a procès-verbal of rectification.

VIII. PRIVILEGES AND IMMUNITIES

A. General Agreement

32. The Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, adopted by the Seventh Meeting of States Parties on 23 May 1997, was deposited with the Secretary-General of the United Nations and opened for signature at United Nations Headquarters for 24 months as from 1 July 1997.[5] The Agreement is subject to ratification or accession and

will enter into force 30 days after the date of deposit of the tenth instrument of ratification or accession. As of 31 December 1998, nine States had signed the Agreement and one State had ratified it. The Tribunal hoped that Governments concerned would give consideration to signature and ratification of or accession to the Agreement.

33. The Tribunal requested the Secretary-General of the United Nations to deal with an inconsistency between the French text of the Agreement and the English text. Consequently, the Secretary-General circulated a note to the States Parties on 3 June 1998, proposing the correction to the original French text of the Agreement.[6] By 1 September 1998 and within the required period, no objection to the proposed corrections was communicated to the Secretary-General. Consequently, the relevant correction was effected.[7]

B. Headquarters Agreement

34. During the period under review, the President, the Vice-President and the Registrar conducted negotiations with the Director of the Legal Division of the Ministry of Foreign Affairs and representatives of other ministries concerning the headquarters agreement between the International Tribunal for the Law of the Sea and the Federal Republic of Germany. Agreement was reached on most of the terms of the draft agreement.

35. At its fifth session, the Tribunal reviewed the draft agreement and requested the President, the Vice-President and the Registrar to continue negotiations on outstanding issues, taking into account the observations and suggestions made by the Tribunal. It was proposed that issues related to the implementation of the Headquarters Agreement should also be discussed.

36. Following that decision, two meetings took place, in Bonn on 6 May 1998, and in Hamburg on 21 July 1998, between the representatives of the Tribunal and of the German Government. Agreement was reached on some issues while others remained outstanding.

37. At the sixth session, the President reported to the Tribunal on the outcome of the negotiations and the Registrar on matters relating to the implementation of the Agreement. Since some matters were still not settled, the Tribunal requested the President, the Vice-President and the Registrar to continue negotiations in order to achieve a suitable solution as soon as possible.

IX. RELATIONS WITH THE UNITED NATIONS AND OTHER ORGANIZATIONS

A. Observer status with the General Assembly

38. The Tribunal, being an observer to the General Assembly of the United Nations, participated in several meetings of the General Assembly when matters of relevance to the Tribunal were considered.

39. At the fifty-second session of the General Assembly, at the 92nd plenary meeting on 8 September 1998, the Registrar delivered a statement on agenda

item 39, entitled "Oceans and the law of the sea". The Registrar also addressed the Assembly at the same meeting on the occasion of the approval of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea (see para. 41 below).

40. At the fifty-third session of the General Assembly, at the 69th plenary meeting, on 24 November 1998, the President delivered a statement on agenda item 38, entitled "Oceans and the law of the sea".

B. Relationship Agreement with the United Nations

41. On 8 September 1998, the General Assembly of the United Nations, at its fifty-second session, adopted a resolution approving the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea.[8] The draft resolution approving the Relationship Agreement had been sponsored by the Federal Republic of Germany and by 41 additional States and was adopted without a vote by the Assembly. The Agreement had been previously approved by the Tribunal at its fifth session, on 12 March 1998. Pursuant to article 14 of the Agreement, the approval of both the General Assembly and the Tribunal was a condition for its entry into force. Consequently, the Agreement entered into force on 8 September 1998.

42. The Agreement establishes a mechanism for cooperation between the United Nations and the Tribunal, with a view to facilitating the effective attainment of their mutual objectives and the coordination of their activities. It provides for arrangements for representation at meetings, taking into account the observer status granted to the Tribunal, and the provision of conference services. Cooperative arrangements for the regular exchange of information and documents of mutual interest are provided, including transmission of documents related to the depositary functions of the Secretary-General of the United Nations. Cooperation in personnel and administrative matters, as well as budgetary and financial matters, is also established.

43. The Tribunal expressed its appreciation to the Office of Legal Affairs of the United Nations for its continued support and cooperation.

C. Relationship with other organizations and bodies

44. During the period under review, discussions took place between the Registry and the Secretariat of the International Seabed Authority concerning the contents of a cooperation agreement and its administrative nature. Arrangements were also made with the Authority for the transmission of documents to the Tribunal.

45. The Tribunal also considered possible cooperation concerning exchange of information with other organizations and bodies dealing with matters relevant to the work of the Tribunal, such as the International Maritime Organization (IMO), the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission (IOC) of the United Nations

Educational, Scientific and Cultural Organization (UNESCO) and the International Hydrographic Organization (IHO).

X. PREMISES OF THE TRIBUNAL

46. Progress was made in the construction of the permanent premises by the Government of the Federal Republic of Germany and the City of Hamburg. The "roof-topping" ceremony took place on 29 June 1988 and was attended by, among others, the German Federal Minister of Justice, the Hamburg Senator of Justice and the Director General of the Hamburg Ministry of Finance.

47. The Tribunal was informed that construction of the building was on schedule and that it would be ready as planned by the end of 1999. The Tribunal expected to move to the permanent premises at the end of 1999 or early in 2000.

48. Pending the completion of its permanent premises, the Tribunal was provided by the German authorities with a temporary building situated at Wexstrasse 4 in the centre of Hamburg. Construction of a courtroom in the temporary premises was completed by the end of 1998. The hearing in the M/V "Saiga" (No.2) case was due to take place in the courtroom in March 1999.

49. During the period under review, consultations were held on an agreement between the Government of Germany and the Tribunal concerning the occupancy and use of the premises of the Tribunal. Agreement was reached on most of the issues while some remained outstanding.

XI. FINANCES

A. Budget

50. Pursuant to article 19 of the Statute, the expenses of the Tribunal are borne by the States parties, the International Seabed Authority and other entities. The Meeting of States Parties decided that the contributions by States parties should be based upon the scale of assessments for the regular budget of the United Nations for the corresponding financial year, adjusted to take account of participation in the Convention.[9]

1. Budget for 1999

51. The budget proposals for 1999 were submitted to the Eighth Meeting of States Parties. Distinction was made in the budget between, on the one hand, the resources needed for the Tribunal to undertake its non-judicial functions and, on the other hand, the resources required to deal with the M/V "Saiga" (No.2) case and other possible applications. The Tribunal also proposed that provision be made for a working capital fund.

52. The Meeting of States Parties approved a budget for 1999 totalling $6,983,817 composed of: (a) recurrent expenditure of $6,833,817, including $2,617,257 for the remuneration of the judges and $2,977,060 for salaries and

related costs of staff; and (b) non-recurrent expenditure of $150,000. The establishment of a working capital fund was also approved.

53. The Meeting of States Parties also agreed that, without prejudice to future arrangements, the European Community should contribute a lump sum to the 1999 budget and a pro rata amount to the 1998 budget.

2. Supplementary budget for 1998

54. At its fifth session, the Tribunal considered proposals for additional appropriations attributable to additional expenses in connection with the M/V "Saiga" case (prompt release). Since there was no financial appropriation or reserve available in 1997 to meet the costs incurred in that case, the Tribunal incurred in the 1996-1997 budgetary period expenditures and obligations which exceeded the approved appropriations. A proposal for action was submitted to the Eighth Meeting of States Parties.

55. The Meeting of States Parties approved the appropriation of an additional sum of $356,864 for the budget for 1998 as a supplementary appropriation to cover expenses for the proceedings in the M/V "Saiga" (No.2) case.[10]

3. Budget proposals for 2000

56. At its sixth session, the Tribunal gave preliminary consideration to the draft budget for 2000, based on the proposals by the Registrar. It was noted that the move from the temporary premises to the permanent premises would have implications for the next budget, especially with respect to requirements for the staff, the courtroom, maintenance, security and new technology.

4. Report on budget performance

57. At the fifth and sixth sessions, the Tribunal considered the budget performance for the 1996-1997 and 1998 periods, respectively, based on reports and projections presented by the Registrar.

B. Status of contributions

58. An important responsibility entrusted by the Meeting of States Parties to the Registrar was the computation, assessment and collection of the contributions to be made by the States Parties, the International Seabed Authority and other entities to the expenses of the Tribunal.

59. As of 31 December 1998, 51 States parties had made their contributions (in the full amount assessed or above) to the 1998 budget, totalling $4,336,148. Partial contributions totalling $1,367,025 had been made by 24 States parties, leaving a balance of unpaid contributions of $273,750 in respect of those 24 States parties. Payment of assessed contributions in the amount of $553,471, towards the 1998 budget by 56 States parties was still pending.

60. Furthermore, assessed contributions amounting to $569,056 in respect of the 1996/1997 budget were still pending as of 31 December 1998, resulting in an unpaid balance of assessed contributions to the overall budget of the Tribunal in the amount of $1,374,073.

C. Report of the Auditor for 1996-1997

61. In accordance with the practice of the United Nations system, arrangements were made for the accounts of the Tribunal for 1996-1997 to be audited by an internationally recognized external institution. The audit report for the 1996-1997 financial statements of the Tribunal was presented by the Registrar at the sixth session. The auditor, having reviewed the transactions and operations over that period, was satisfied that the financial statements presented fairly, in all material respects, the financial position of the Tribunal.

62. The Tribunal noted with satisfaction the conclusions in the report and requested the Registrar to submit it to the Ninth Meeting of States Parties.

63. At the sixth session, the Tribunal also authorized the reappointment of the existing auditor for the next financial period of one year and requested the Registrar to enter into the necessary arrangements.

D. Trust funds

64. Consideration was given, at the sixth session, to the desirability of having a trust fund account or a special account to receive donations. The Tribunal decided in principle that appropriate donations in cash to fund the purchase of books and other materials for the Library may be accepted by the Registrar. The Registrar was authorized to open a special account upon the receipt of the first monetary donation.

E. Financial Regulations

65. At its fifth session, the Tribunal prepared draft financial regulations which were subsequently presented to the Eighth Meeting of States Parties. In view of the comments made by the Meeting, the Tribunal was requested to review the draft and to submit a revised draft to the Ninth Meeting of States Parties.

66. At the sixth session, the Committee on Budget and Finance proposed amendments to the draft financial regulations taking into account the comments made by the Meeting of States Parties. Acting on the recommendation of the Committee, the Tribunal unanimously approved the Financial Regulations of the Tribunal on 8 October 1998. It was decided that the Financial Regulations would be submitted to the Ninth Meeting of States Parties and would become effective on 1 July 1999 with respect to the financial period 2000 and to subsequent financial periods. In the interim period, the Financial Regulations of the United Nations would apply.

67. During the sixth session, the Tribunal also requested the Registrar to establish financial rules to govern the administration of all financial activities of the Tribunal by 30 June 1999. Pending the establishment of the financial rules, the Financial Rules of the United Nations will apply mutatis mutandis.

F. Pension Scheme for members of the Tribunal

68. At its fifth session, the Tribunal decided to propose the inclusion in the provisional agenda of the Eighth Meeting of States Parties of an item concerning a pension scheme for judges and to submit to the States Parties for review a draft entitled "Draft Pension Scheme Regulations for Members of the International Tribunal for the Law of the Sea". The Eighth Meeting of States Parties agreed that a pension scheme should be established. It also decided to take a decision on this matter before the term of office of the first group of judges expired. It further requested the Tribunal to re-examine the draft pension scheme in the light of the scheme of the International Court of Justice, particularly given the fact that the General Assembly might take a new decision with regard to that scheme.

69. At its sixth session, the Tribunal took note of the decision of the Meeting of States Parties and requested Judge Akl to prepare a new draft on this matter.

XII. ADMINISTRATIVE MATTERS

A. Staff Regulations

70. During the fifth and sixth sessions, the Committee on Staff and Administration reviewed the draft staff regulations presented by the Registrar.

71. At its sixth session, acting on the recommendation of the Committee, the Tribunal on 8 October 1998 approved the Staff Regulations of the Tribunal. It also decided that the Staff Regulations would have immediate effect and requested the Registrar to establish staff rules. The Staff Rules of the United Nations would apply, mutatis mutandis, pending the establishment of the staff rules. The Tribunal further requested the Registrar to submit the Staff Regulations to the Ninth Meeting of States Parties.

B. Recruitment of staff

72. The Tribunal continued the recruitment process for both Professional and General Service staff, in accordance with article 35 of the Rules of the Tribunal. At the end of 1998, the status of the recruitment process was as follows:

(a) Recruitment completed: Senior Reviser/Translator (P-4), Translator/Reviser (P-4), Librarian/Head of Publications and Archives (P-4), Associate Legal Officer (P-2) and Contribution Officer (P-2);

(b) Recruitment not yet completed for Chief of Administration (P-5). At its sixth session, the Tribunal decided to make appropriate arrangement for the early appointment for the vacant post;

(c) Six General Service posts encumbered with staff on fixed-term contracts.

73. The necessary personnel were recruited to provide services needed when the Tribunal was sitting, including its deliberations on the M/V "Saiga" (No. 2) case. Temporary staff was also engaged as required to assist the Tribunal in its judicial work.

C. Instructions for the Registry

74. The Committee on Staff and Administration began its consideration of draft Instructions for the Registry prepared by the Registrar.

D. United Nations Joint Staff Pension Fund

75. The necessary administrative arrangements for participation of the Tribunal in the United Nations Joint Staff Pension Fund were completed with the signature by the Tribunal, on 18 February 1998, and by the United Nations, on 25 February 1998, of the Special Agreement extending the jurisdiction of the Administrative Tribunal of the United Nations to the International Tribunal for the Law of the Sea with respect to applications by staff members of the International Tribunal for the Law of the Sea alleging non-observance of the regulations of the United Nations Joint Staff Pension Fund. The Agreement entered into force with effect from 1 January 1997.

XIII. BUILDING AND ELECTRONIC SYSTEMS

76. At its fifth session, the Tribunal endorsed the recommendations made by the informal group on electronic systems and buildings to request information from the German authorities on their proposals for electronic systems and services for the building. It was also concluded that the Tribunal might utilize the services of an expert in determining the precise requirements. Subsequently, the Registrar held several meetings with the building authorities to discuss the technical requirements of the premises.

77. At the sixth session, the Working Group on building and electronic systems reviewed the plans for equipping the future premises and examined aspects of the latest developments in information and courtroom technology. The Tribunal decided to continue consultations with architects and builders concerning furniture and equipment for the future premises on the basis of the report provided by the working group.

XIV. LIBRARY FACILITIES

78. During the period under review, the Tribunal, advised by the Committee on Library and Publications, reviewed the Library's collection and considered the list of monographs and periodicals proposed for purchase by the Tribunal. It also dealt with the non-recurrent expenditure for 1998, the use of legal databases and a classification scheme for the Library. A list of donors to the Library, in addition to the members of the Tribunal, is contained in the annex to the present report.

XV. PUBLICATIONS

79. At its sixth session, the Tribunal decided that the Basic Texts would be published, containing the Statute of the Tribunal, the Rules of the Tribunal, the Resolution on the Internal Judicial Practice and the Guidelines concerning the Preparation and Presentation of Cases before the Tribunal, the United Nations Convention on the Law of the Sea with the Agreement relating to the implementation of Part XI of the Convention, and the Agreement on the Privileges and Immunities of the Tribunal.

80. The Tribunal expected its first Yearbook (1996/1997) to be issued in the first part of 1999.

81. The Tribunal decided to publish its judicial decisions on a regular basis.

XVI. PUBLIC INFORMATION

82. The Tribunal gave publicity to its work by means of press releases and briefings by the Registry. Information about the Tribunal could also be found on the United Nations Web site (http://www.un.org/Depts/los). Addresses and publications by the judges also helped to publicize the work of the Tribunal.

XVII. FUTURE WORK

83. The Tribunal decided to convene for its seventh session from 25 February to 16 April 1999. The session would be held in conjunction with the hearing and deliberations in the M/V "Saiga" (No.2) case.

84. The hearing in the M/V "Saiga" (No. 2) case was scheduled to begin on 8 March 1999 and the judgement was expected to be delivered at the end of June 1999.

85. In addition to its work regarding cases, the Tribunal would meet in 1999 for its eighth session in order to complete its organizational and administrative work.

Notes

[1] See SPLOS/27, paras. 51 and 60.

[2] See article 35 of the Statute.

[3] For the terms of reference of the Committees, see SPLOS 27, paras. 37-40.

[4] SPLOS/27, para. 41.

[5] SPLOS/24, para. 27.

[6] See C.N. 205.1998. TREATIES-2 (Depositary Notification).

[7] See C.N. 495.1998. TREATIES-5 (Depositary Notification).

[8] See General Assembly resolution 52/251.

[9] SPLOS/31, para. 21, and SPLOS/L.9, para. 5.

[10] SPLOS/31, paras. 26-30, and SPLOS/L.10.

Annex

LIST OF DONORS TO THE LIBRARY OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA (1998)*

Judge Brahim Abdessemad, Tunisia

Mr. Takashi Aoki, Tokyo

Professor Elisabeth Mann Borgese, International Ocean Institute, Halifax, Nova Scotia, Canada

Bundesforschungsanstalt für Fischerei, Hamburg

Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations, New York

Faculté de droit et de sciences politiques de l'Université Saint-Joseph, Beirut

Food and Agriculture Organization of the United Nations, Rome

INFOFISH, Kuala Lumpur

Institute of International Public Law and International Relations, Thessaloniki, Greece

Institut für Seerecht und Seehandelsrecht der Universität Hamburg, Hamburg

International Court of Justice, The Hague

International Maritime Organization, London

International Seabed Authority, Kingston, Jamaica

Kluwer Law International, The Hague

Professor Barbara Kwiatkowska, The Netherlands Institute for the Law of the Sea, Utrecht, the Netherlands

Lega Navale Italiana, Agrigento, Italy

Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, Heidelberg, Germany

Éditions A. Pédone, Paris

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* This list does not take into account donations from members of the Tribunal and staff of the Registry.

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UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
GENERAL

SPLOS/36
31 March 1999

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Ninth meeting
New York, 19-28 May 1999

FINANCIAL REGULATIONS OF THE TRIBUNAL

Drawn up by the Registrar and revised by the
Committee on Budget and Finance

Approved by the Tribunal on 8 October 1998

99-09125 (E) 150499

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Introduction

The Meeting of States Parties decided that the International Tribunal for the Law of the Sea should establish its own financial regulations and rules and submit them to the Meeting of States Parties for consideration. Pending the establishment of its own regulations and rules, the Tribunal was requested to apply mutatis mutandis the Financial Regulations and Rules of the United Nations.

The Tribunal established the present Financial Regulations at its sixth session (21 September-9 October 1998), pursuant to the above decision of the Meeting of States Parties. In so doing, the Tribunal took into account the views expressed at the Eighth Meeting of States Parties.

To the extent possible, these Financial Regulations are based on the Financial Regulations of the United Nations (ST/SGB/Financial Rules/1/Rev.3).

In accordance with regulation 14, paragraph 1, the Financial Regulations will become effective on 1 July 1999 and shall apply to the financial period 2000 and subsequent financial periods.

Pursuant to the decision of the Meeting of States Parties, these Financial Regulations are submitted to the Meeting of States Parties for consideration.

Explanatory note

Marginal notes providing reference to the corresponding regulation or rule of the Financial Regulations and Rules of the United Nations are intended to facilitate comparison by the Meeting of States Parties. They will be later deleted.

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FINANCIAL REGULATIONS OF THE TRIBUNAL

Approved on 8 October 1998

The Tribunal,

Noting the decision of the Meeting of States Parties that the International Tribunal for the Law of the Sea should establish its own financial regulations,

Approves the following Financial Regulations for the financial administration of the International Tribunal for the Law for the Sea.

REGULATION 1

Applicability

1.1 These Regulations shall govern the financial administration of the International Tribunal for the Law of the Sea. (UN Fin Reg 1.1)

1.2 For the purposes of these Regulations: (UN Fin Rule 101.2)

(a) "Committee on Budget and Finance" means the Committee established as such by the Tribunal;

(b) "Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982 together with the Agreement of 29 July 1994 relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea;

(c) "Meeting of States Parties" means the Meeting of States Parties to the Convention;

(d) "Registrar" means the Registrar of the International Tribunal for the Law of the Sea;

(e) "Rules" means the Rules of the Tribunal;

(f) "Statute" means the Statute of the International Tribunal for the Law of the Sea, Annex VI to the Convention.

REGULATION 2

The financial period

2.1 The financial period shall consist of two consecutive calendar years, beginning with the year 2002. Until then the financial period shall consist of one calendar year. (UN Fin Reg 2.1)

REGULATION 3

The budget

3.1 The draft budget for each financial period shall be prepared by the Registrar. (UN Fin Reg 3.1)

3.2 The draft budget shall cover income and expenditures for the financial period to which they relate and shall be presented in United States dollars. (UN Fin Reg 3.2)

3.3 The draft budget shall be divided into parts, sections and, as appropriate, programme support. It shall be accompanied by such information, annexes and explanatory statements as may be requested by or on behalf of the Meeting of States Parties, including a statement on the main changes in comparison with the budget of the previous financial period and such further annexes or statements as the Registrar may deem necessary and useful. (UN Fin Reg 3.3)

3.4 The Registrar shall submit the draft budget for the following financial period to the Committee on Budget and Finance before the end of February of the year preceding the financial period for examination. The Committee on Budget and Finance shall transmit the draft budget proposed by the Registrar to the Tribunal, with its comments and recommendations. (UN Fin Reg 3.4)

3.5 The Tribunal shall consider and approve the draft budget for the following financial period. The proposed budget as approved by the Tribunal shall be submitted to the Meeting of States Parties for consideration and adoption. (UN Fin Reg 3.6)

3.6 Supplementary budget proposals shall be submitted by the Registrar whenever necessary, and to the extent possible, with respect to the current financial period. They shall be prepared and, as far as possible, submitted in accordance with the procedure set out in this regulation. (UN Fin Reg 3.8)

3.7 The Registrar may enter into commitments for future financial periods, provided that such commitments: (UN Fin Reg 3.10)

(a) Are for activities which have been approved by the Meeting of States Parties and are expected to continue beyond the end of the current financial period; or

(b) Are authorized by specific decisions of the Tribunal acting with the prior approval of the Meeting of States Parties.

REGULATION 4

Appropriations

4.1 The appropriations adopted by the Meeting of States Parties shall constitute an authorization for the Registrar to incur obligations and make payments for the purposes for which the appropriations were adopted and up to the amounts adopted. (UN Fin Reg 4.1)

4.2 Appropriations shall be available for obligation during the financial period to which they relate. (UN Fin Reg 4.2)

4.3 Appropriations shall remain available for twelve months following the end of the financial period to which they relate to the extent that they are required to discharge obligations in respect of goods supplied and services rendered in the financial period and to liquidate any other outstanding legal obligation of the financial period. Any unused balance of the appropriations shall be surrendered. (UN Fin Reg 4.3)

4.4 At the end of the twelve-month period provided in regulation 4.3, the then remaining balance of any appropriations retained will be surrendered. At that time, any unliquidated obligations of the financial period in question shall be cancelled or, where the obligation remains a valid charge, transferred as an obligation against current appropriations. (UN Fin Reg 4.4)

4.5 No transfer between appropriation sections may be made without authorization by the Meeting of States Parties. However, the Tribunal may, in exceptional circumstances, authorize such a transfer and shall report thereon to the Meeting of States Parties. (UN Fin Reg 4.5)

REGULATION 5

Provision of funds

5.1 The funds of the Tribunal shall include:

(a) Assessed contributions made by States Parties in accordance with article 19, paragraph 1, of the Statute;

(b) Contributions by the International Seabed Authority in accordance with article 19, paragraph 1, of the Statute;

(c) Contributions by other entities in accordance with article 19, paragraph 2, of the Statute;

(d) Voluntary contributions made by States Parties, States, the International Seabed Authority or other entities;

(e) Such other funds to which the Tribunal may become entitled or may receive.

5.2 The appropriations, subject to the adjustments effected in accordance with the provisions of regulation 5.3, shall be financed by contributions from States Parties in accordance with an agreed scale of assessment. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund. (UN Fin Reg 5.1)

5.3 The contributions of States Parties and the International Seabed Authority shall be assessed for a financial period on the basis of the appropriations approved by the Meeting of States Parties for that financial period, except that adjustments shall be made to the assessments in respect of: (UN Fin Reg 5.2 (a), (c) and (d), respectively

(a) Supplementary appropriations for which contributions have not previously been assessed on States Parties;

(b) Contributions resulting from the assessment of new States Parties under the provisions of regulation 5.9;

(c) Any balance of the appropriations surrendered under regulations 4.3 and 4.4.

5.4 After the Meeting of States Parties has adopted or revised the budget and determined the amount of the Working Capital Fund, the Registrar shall: (UN Fin Reg 5.3)

(a) Transmit the relevant documents to the States Parties and the International Seabed Authority;

(b) Inform the States Parties and the International Seabed Authority of their commitments in respect of annual contributions and advances to the Working Capital Fund;

(c) Request them to remit their contributions and advances.

5.5 Contributions and advances shall be considered as due and payable in full within thirty days of the receipt of the communication of the Registrar referred to in regulation 5.4, or as of the first day of the calendar year to which they relate, whichever is the later. As of 1 January of the following calendar year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears. (UN Fin Reg 5.4)

5.6 Annual contributions and advances to the Working Capital Fund shall be assessed and paid in United States dollars. (UN Fin Reg 5.5)

5.7 Payments made by a State Party shall be credited first to the Working Capital Fund and then to the contributions due, in the order in which the State Party was assessed. (UN Fin Reg 5.6)

5.8 The Registrar shall submit to each Meeting of States Parties a report on the collection of contributions and advances to the Working Capital Fund. (UN Fin Reg 5.7)

5.9 New States Parties shall be required to make contributions for the year in which they become States Parties and to provide their proportion of the total advances to the Working Capital Fund at rates to be determined by the Meeting of States Parties. (UN Fin Reg 5.8)

5.10 Contributions of entities other than a State Party or the International Seabed Authority to the expenses of the Tribunal shall be treated as miscellaneous income. (UN Fin Reg 5.9)

REGULATION 6

Funds

6.1 There shall be established a General Fund for the purpose of accounting for the administrative expenditures of the Tribunal. The contributions referred to in regulation 5.1 by States Parties and miscellaneous income and any advances made from the Working Capital Fund to finance administrative expenditures shall be credited to the General Fund. (UN Fin Reg 6.1)

6.2 There shall be established a Working Capital Fund in an amount and for purposes to be determined from time to time by the Meeting of State Parties. The Working Capital Fund shall be constituted by advances from States Parties. Advances shall be made in accordance with an agreed scale of assessment based upon the scale used for the regular budget. Advances shall be carried to the credit of States Parties which have made such advances. (UN Fin Reg 6.2)

6.3 Advances made from the Working Capital Fund to finance budgetary appropriations shall be reimbursed to the Fund as soon as and to the extent that income is available for that purpose. (UN Fin Reg 6.3)

6.4 Except when such advances are recoverable from some other source, advances made from the Working Capital Fund for unforeseen and extraordinary expenses or other authorized purposes shall be reimbursed through the submission of supplementary budget proposals. (UN Fin Reg 6.4)

6.5 Income derived from investments of the Working Capital Fund shall be credited to miscellaneous income. (UN Fin Reg 6.5)

6.6 Trust funds, reserve and special accounts may be established by the Registrar and shall be reported to the Tribunal. (UN Fin Reg 6.6)

6.7 The purpose and limits of each trust fund, reserve and special account shall be clearly defined by the appropriate authority. Unless otherwise decided by the Meeting of States Parties, such funds and accounts shall be administered in accordance with these Regulations. (UN Fin Reg 6.7)

REGULATION 7

Other income

7.1 All other income except: (UN Fin Reg 7.1)

(a) Contributions to the budget;

(b) Voluntary contributions made by States Parties, other States and the International Seabed Authority or other entities;

(c) Direct refunds of expenditures made during the financial period;

(d) Revenue derived from staff assessment;

shall be classed as miscellaneous income, for credit to the General Fund.

7.2 Voluntary contributions, gifts and donations, whether or not in cash, may be accepted by the Registrar, provided that the Tribunal is satisfied that the purposes for which the contributions are made are consistent with the nature and functions of the Tribunal. Acceptance of contributions which directly or indirectly involve additional financial liability for the Tribunal shall require the consent of the Meeting of States Parties. (UN Fin Reg 7.2)

7.3 Contributions accepted for purposes specified by the donors shall be treated as trust funds or special accounts. (UN Fin Reg 7.3)

7.4 Contributions in respect of which no purpose is specified shall be treated as miscellaneous income and reported as "gifts" in the accounts of the financial period. (UN Fin Reg 7.4)

REGULATION 8

Custody of funds

8.1 The Registrar shall designate the bank or banks in which the funds of the Tribunal shall be kept. (UN Fin Reg 8.1)

REGULATION 9

Investment of funds

9.1 The Registrar may make short-term investments of moneys not needed for immediate requirements and shall inform the Tribunal periodically of such investments. (UN Fin Reg 9.1)

9.2 Income derived from investments shall be credited to miscellaneous income or as provided in the rules relating to each fund or account. (UN Fin Reg 9.3)

REGULATION 10

Internal control

10.1 The Registrar shall: (UN Fin Reg 10.1)

(a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;

(b) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received and that payments have not previously been made;

(c) Designate the officers who may receive moneys, incur obligations and make payments on behalf of the Tribunal;

(d) Maintain an internal financial control which shall provide for effective current examination and/or review of financial transactions in order to ensure:

(i) The regularity of the receipt, custody and disposal of all funds and other financial resources of the Tribunal;

(ii) The conformity of obligations and expenditures with the appropriations or other financial provisions voted by the Meeting of States Parties, or with the purposes and rules relating to trust funds and special accounts;

(iii) The economic use of the resources of the Tribunal.

10.2 Obligations for the current financial period or commitments for current and future financial periods shall be incurred only after allotments or other appropriate authorizations have been made in writing under the authority of the Registrar. (UN Fin Reg 10.2)

10.3 The Registrar may make such ex gratia payments as he or she deems to be necessary in the interest of the Tribunal, provided that a statement of such payments shall be submitted to the Meeting of States Parties with the accounts. (UN Fin Reg 10.3)

10.4 The Registrar may, after full investigation, authorize the writing-off of losses of cash, stores and other assets, provided that a statement of all such amounts written off shall be submitted to the Auditor with the accounts and reported to the Meeting of States Parties. (UN Fin Reg 10.4)

10.5 Substantial purchases of equipment, supplies and other requirements as specified in the Rules shall be by tender. Such tenders shall be invited by advertisement, except where the Registrar, with the approval of the President, deems that, in the interests of the Tribunal, a departure from the rule is desirable. (UN Fin Reg 10.5)

REGULATION 11

The accounts

11.1 The Registrar shall submit accounts for the financial period. In addition, the Registrar shall maintain, for management purposes, such accounting records as are necessary. The accounts for the financial period shall show: (UN Fin Reg 11.1)

(a) The income and expenditures of all funds;

(b) The status of appropriations, including:

(i) The original budget appropriations;

(ii) The appropriations as modified by any transfers;

(iii) Credits, if any, other than the appropriations adopted by the Meeting of States Parties;

(iv) The amounts charged against those appropriations and/or other credits;

(c) The assets and liabilities of the Tribunal.

The Registrar shall also give such other information as may be appropriate to indicate the current financial position of the Tribunal.

11.2 The accounts of the Tribunal shall be presented in United States dollars. Accounting records may, however, be kept in such other currency as the Registrar may deem necessary. (UN Fin Reg 11.2)

11.3 Appropriate separate accounts shall be maintained for all trust funds and special accounts. (UN Fin Reg 11.3)

11.4 The accounts for the financial period shall be submitted by the Registrar to the Auditor not later than 31 March following the end of the financial period. (UN Fin Reg 11.4)

REGULATION 12

Audit

12.1 The Tribunal shall appoint an Auditor which shall be an internationally recognized firm of auditors. The Auditor shall be appointed for a period of four years and may be reappointed. (UN Fin Reg 12.1)

12.2 The audit shall be conducted in conformity with generally accepted common auditing standards and in accordance with the additional terms of reference set out in the annex to these Regulations. (UN Fin Reg 12.4)

12.3 The Auditor may make observations with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the administration and management of the Tribunal. (UN Fin Reg 12.5)

12.4 The Auditor shall be completely independent and solely responsible for the conduct of the audit. (UN Fin Reg 12.6)

12.5 The Tribunal may request the Auditor to perform certain specific examinations and issue separate reports on the results. (UN Fin Reg 12.7)

12.6 The Registrar shall provide the Auditor with the facilities required in the performance of the audit. (UN Fin Reg 12.8)

12.7 The Auditor shall issue a report on the audit of the financial statements and relevant schedules relating to the accounts for the financial period, which shall include such information as the Auditor deems necessary with regard to matters referred to in regulation 12.3 and in the additional terms of reference. (UN Fin Reg 12.10)

12.8 The Tribunal shall examine the financial statements and the audit reports and shall forward them to the Meeting of States Parties, with such comments as it deems appropriate. (UN Fin Reg 12.11)

REGULATION 13

Decisions involving expenditures

13.1 Where, in the opinion of the Registrar, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the Meeting of States Parties has made the necessary appropriations or unless the Registrar certifies that provision can be made under the conditions of an applicable decision of the Meeting of States Parties relating to unforeseen and extraordinary expenses. (UN Fin Reg 13.2)

REGULATION 14

General provisions

14.1 These Regulations shall become effective on 1 July 1999 and shall apply to the financial period 2000 and to subsequent financial periods. (UN Fin Reg 14.1)

14.2 These Regulations may be amended by the Tribunal, taking into account the views of the Meeting of States Parties. (UN Fin Reg 14.1)

ANNEX TO THE FINANCIAL REGULATIONS

Annex to the Fin Regs of the U.N.

Additional terms of reference governing the audit of the International Tribunal for the Law of the Sea

1. The Auditor shall perform such audit of the accounts of the Tribunal, including all trust funds and special accounts, as it deems necessary in order to satisfy itself: "

(a) That the financial statements are in accord with the books and records of the Tribunal; "

(b) That the financial transactions reflected in the statements have been in accordance with the financial rules and regulations, the budgetary provisions and other applicable directives; "

(c) That the securities and moneys on deposit and on hand have been verified by certificates received direct from the Tribunal's depositaries or by actual count; "

(d) That the internal controls, including internal oversight, are adequate in the light of the extent of reliance placed thereupon. "

2. The Auditor shall be the sole judge as to the acceptance in whole or in part of certifications and representations by the Registrar and may proceed to such detailed examination and verification as it chooses of all financial records, including those relating to supplies and equipment. "

3. The Auditor and its staff shall have free access at all convenient times to all books, records and other documentation which are, in the opinion of the Auditor, necessary for the performance of the audit. Information which is classified as privileged and which the Registrar (or a designated senior official) agrees is required by the Auditor for the purposes of the audit and information classified as confidential shall be made available on application. The Auditor and its staff shall respect the privileged and confidential nature of any information so classified which has been made "

available and shall not make use of it except in direct connection with the performance of the audit. The Auditor may draw the attention of the Tribunal and the Meeting of States Parties to any denial of information classified as privileged which, in its opinion, was required for the purpose of the audit. "

4. The Auditor shall have no power to disallow items in the accounts but shall draw the attention of the Registrar, for appropriate action, to any transaction for which it entertains doubt as to legality or propriety. Audit objections, to these or any other transactions, arising during the examination of the accounts shall be communicated immediately to the Registrar. "

5. The Auditor (or such of its officers as it may designate) shall express and sign an opinion on the financial statements which shall read as follows: "

> "We have examined the following appended financial statements, numbered ... to ..., properly identified, and relevant schedules of the International Tribunal for the Law of the Sea for the financial period ended 31 December ... Our examination included a general review of the accounting procedures and such tests of the accounting records and other supporting evidence as we considered necessary in the circumstances."

The opinion shall also state, as appropriate, whether:

(a) The financial statements present fairly the financial position as at the end of the period and the results of their operations for the period then ended; "

(b) The financial statements were prepared in accordance with the stated accounting principles; "

(c) The accounting principles were applied on a basis consistent with that of the preceding financial report; "

(d) Transactions were in accordance with the Financial Regulations and legislative authority. "

6. The report of the Auditor on the financial operations of the Tribunal for the financial period shall be submitted to the Meeting of States Parties through the Tribunal. It shall indicate: "

(a) The type and scope of the Auditor's examination; "

(b) Matters affecting the completeness and accuracy of the accounts, including, where appropriate: "

(i) Information necessary to the correct interpretation of the accounts; "

(ii) Any amounts which ought to have been received but which have not been brought to account; "

(iii) Any amounts for which a legal or contingent obligation exists and which have not been recorded or reflected in the financial statements; "

(iv) Expenditures not properly substantiated; "

(v) Whether proper books of accounts have been kept - where in the presentation of statements there are deviations of a material nature from the generally accepted accounting principles applied on a consistent basis, these should be disclosed; "

(c) Other matters which the Auditor considers should be brought to the notice of the Meeting of States Parties, such as: "

(i) Cases of fraud or presumptive fraud; "

(ii) Wasteful or improper expenditure of the Tribunal's money or other assets, notwithstanding that the accounting for the transaction may be correct; "

(iii) Expenditure likely to commit the Tribunal to further outlay on a large scale; "

(iv) Any defect in the general system or detailed regulations governing the control of receipts and disbursements or of supplies and equipment;

(v) Expenditure not in accordance with the intention of the Meeting of States Parties after making allowance for duly authorized transfers within the budget;

(vi) Expenditure in excess of appropriations as amended by duly authorized transfers within the budget;

(vii) Expenditure not in conformity with the authority which governs it;

(d) The accuracy or otherwise of the supplies and equipment records as determined by stock-taking and examination of the reports;

(e) If appropriate, transactions accounted for in a previous period concerning which further information has been obtained or transactions in a later period concerning which it seems desirable that the Meeting of States Parties should have early knowledge.

7. The Auditor may make such observations with respect to its findings resulting from the audit and such comments on the Registrar's financial report as it deems appropriate to the Meeting of States Parties, the Tribunal or the Registrar.

8. Whenever the scope of audit of the Auditor is restricted, or whenever it is unable to obtain sufficient evidence, it shall refer to the matter in its opinion and report, making clear in the report the reasons for its comments and the effect on the financial position and the financial transactions as recorded.

9. In no case shall the Auditor include criticism in its report without first affording the Registrar an adequate opportunity of explanation on the matter under observation.

10. The Auditor shall not be required to mention any matter referred to in the foregoing that, in its opinion, is insignificant in all respects.

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GENERAL

SPLOS/37
3 April 1999

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
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STAFF REGULATIONS OF THE TRIBUNAL

Drawn up by the Registrar and revised by the
Committee on Staff and Administration

Approved by the Tribunal on 8 October 1998

Introductory note

The Meeting of States Parties decided that the International Tribunal for the Law of the Sea should establish its own staff regulations and submit them to the Meeting of States Parties (SPLOS/14, para. 35). Pending the establishment of its own regulations and rules, the Tribunal was requested to apply mutatis mutandis the Staff Regulations and Rules of the United Nations.

At its sixth session (21 September-9 October 1998), acting on the recommendation of the Committee on Staff and Administration, the Tribunal approved the Staff Regulations of the Tribunal on 8 October 1998.

The Tribunal further decided that the Staff Regulations would become effective when approved. Pending the establishment of its own staff rules, the Tribunal will apply, mutatis mutandis, the Staff Rules of the United Nations.

To the extent possible the Staff Regulations are based on the Staff Regulations of the United Nations (ST/SGB/1998/8).

Pursuant to the decision of the Meeting of States Parties, these Staff Regulations are submitted to the Meeting of States Parties.

99-09218 (E) 190499

STAFF REGULATIONS OF THE TRIBUNAL*

Approved on 8 October 1998

The Tribunal,

Acting pursuant to article 38, paragraph 4, of the Rules of the Tribunal,

Approves the following Staff Regulations.

Scope and purpose

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the Registry. They represent the broad principles of personnel policy for the staffing and administration of the Registry. The Registrar, as the Chief Administrative Officer, shall establish and enforce such staff rules consistent with these principles as he or she considers necessary.

Article I

Duties, obligations and privileges

Regulation 1.1

Members of the Registry are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the Tribunal only in view.

Regulation 1.2

Staff members are subject to the authority of the Registrar and to assignment by the Registrar to any of the activities or offices of the Tribunal. They are responsible to the Registrar in the exercise of their functions. The whole time of staff members shall be at the disposal of the Registrar.

Regulation 1.3

In the performance of their duties members of the Registry shall neither seek nor accept instructions from any Government or from any other entity external to the Tribunal.

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* These Regulations follow, as appropriate, the numbering of corresponding regulations of the Staff Regulations of the United Nations, with the exception of regulations 4.5 and 10. Regulations 1.9, 3.5, 12.6 and 12.7 have no corresponding provision in the Staff Regulations of the United Nations.

Regulation 1.4

Members of the Registry shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Tribunal. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

Regulation 1.5

Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information coming to their knowledge by reason of their official position which has not been made public, except in the course of their duties or by authorization of the Registrar. Nor shall they at any time use such information to private advantage. These obligations do not cease upon separation from the Registry.

Regulation 1.6

No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government excepting for war service; nor shall a staff member accept any honour, decoration, favour, gift or remuneration from any source external to the Tribunal, without first obtaining the approval of the Registrar. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of regulation 1.2 and with the individual's status as an international civil servant.

Regulation 1.7

Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with or might reflect upon the independence and impartiality required by their status as international civil servants.

Regulation 1.8

(a) The privileges and immunities deriving from the United Nations Convention on the Law of the Sea and the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea of 23 May 1997 are conferred in the interests of the Tribunal.

(b) The privileges and immunities deriving from any agreement between the International Tribunal for the Law of the Sea and the Federal Republic of Germany regarding the Headquarters of the Tribunal and any other agreement concerning privileges and immunities of the Tribunal are also conferred in the interests of the Tribunal.

(c) These privileges and immunities furnish no excuse to staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. Whenever a question related to these privileges and immunities arises, the staff member shall immediately report to the Registrar.

Regulation 1.9

(a) The normal hours of work shall be from 9 a.m. to 6 p.m. from Monday to Friday, with a luncheon interval of one hour and a half.

(b) The Registry shall normally observe nine holidays in the year as selected by the Registrar, taking into account the public holidays at the seat of the Tribunal in Hamburg, Germany.

(c) Exceptions to the rules in the foregoing paragraphs may be made by the Registrar as the needs of the service require.

Article II

Classification of posts and staff

Regulation 2

In conformity with principles laid down by the General Assembly of the United Nations, the Registrar shall make appropriate provision for the classification of posts and staff according to the nature of the duties and responsibilities required.

Article III

Salaries and related allowances

Regulation 3.1

Salaries of staff members shall be fixed by the Registrar in accordance with the provisions of annex I.

Regulation 3.2

(a) The Registrar shall establish terms and conditions under which an education grant shall be available to a staff member residing and serving outside his or her recognized home country whose dependent child is in full-time attendance at a school, university or similar educational institution of a type that will, in the opinion of the Registrar, facilitate the child's reassimilation in the staff member's recognized home country. The grant shall be payable in respect of the child up to the end of the fourth year of post-secondary studies or the award of the first recognized degree, whichever is the earlier. The amount of the grant per scholastic year for each child shall be 75 per cent of the admissible educational expenses actually incurred, subject

to a maximum grant as approved by the General Assembly of the United Nations. Travel costs of the child may also be paid for an outward and return journey once in each scholastic year between the educational institution and the duty station, except that in the case of staff members serving at designated duty stations where schools do not exist that provide schooling in the language or in the cultural tradition desired by staff members for their children, such travel costs may be paid twice in the year in which the staff member is not entitled to home leave. Such travel shall be by a route approved by the Registrar, but not in an amount exceeding the cost of such a journey between the home country and the duty station.

(b) The Registrar shall also establish terms and conditions under which, at designated duty stations, an additional amount of 100 per cent of boarding costs subject to a maximum amount per year as approved by the General Assembly of the United Nations may be paid in respect of children in school attendance at the primary and secondary levels.

(c) The Registrar shall also establish terms and conditions under which an education grant shall be available to a staff member serving in a country whose language is different from his or her own and who is obliged to pay tuition for the teaching of the mother tongue to a dependent child attending a local school in which the instruction is given in a language other than his or her own.

(d) The Registrar shall also establish terms and conditions under which an education grant shall be available to a staff member whose child is unable, by reason of physical or mental disability, to attend a normal educational institution and therefore requires special teaching or training to prepare him or her for full integration into society or, while attending a normal educational institution, requires special teaching or training to assist him or her in overcoming the disability. The amount of this grant per year for each disabled child shall be equal to 100 per cent of the education expenses actually incurred, up to a maximum amount approved by the General Assembly of the United Nations.

(e) The Registrar may decide in each case whether the education grant shall extend to adopted children or stepchildren.

Regulation 3.3

(a) An assessment at the rates and under the conditions specified below shall be applied to the salaries and such other emoluments of staff members as are computed on the basis of salary, excluding post adjustments, provided that the Registrar may, where he or she deems it advisable, exempt from the assessment the salaries and emoluments of staff members engaged at locality rates.

(b) (i) The assessment shall be calculated at the following rates for staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I:

Assessment

Total assessable payments (United States dollars)	Staff assessment rates for purposes of pensionable remuneration and pensions (percentage)
Up to $20,000 per year	11
$20,001 to $40,000 per year	18
$40,001 to $60,000 per year	25
$60,001 and above per year	30

Total assessable payments (United States dollars)	Staff assessment rates used in conjunction with gross base salaries (percentage)	
	Staff member with a dependent spouse or dependent child	Staff member with neither a dependent spouse nor a dependent child
First $15,000 per year	9.0	11.8
Next $5,000 per year	18.1	24.5
Next $5,000 per year	21.5	27.0
Next $5,000 per year	24.9	31.5
Next $5,000 per year	27.5	33.4
Next $10,000 per year	30.1	35.7
Next $10,000 per year	31.8	38.2
Next $10,000 per year	33.5	38.8
Next $10,000 per year	34.4	39.8
Next $15,000 per year	35.3	40.8
Next $20,000 per year	36.1	44.2
Remaining assessable payments	37.0	47.4

(ii) The assessment shall be calculated at the following rates for staff members whose salary rates are established under paragraph 6 of annex I:

Total assessable payments (United States dollars)	Assessment (percentage)
Up to $20,000 per year	19
$20,001 to $40,000 per year	23
$40,001 to $60,000 per year	26
$60,001 and above per year	31

(iii) The Registrar shall determine which of the scales of assessment set out in subparagraphs (i) and (ii) above shall apply to each of the groups of personnel whose salary rates are established under paragraph 5 of annex I.

(iv) In the case of staff members whose salary scales are established in currencies other than United States dollars, the relevant amounts to which the assessment applies shall be fixed at the local currency equivalent of the above-mentioned dollar amounts at the time the salary scales of the staff member concerned are approved.

(c) In the case of a person who is not employed by the Tribunal for the whole of a calendar year or in cases where there is a change in the annual rate of payments made to a staff member, the rate of assessment shall be governed by the annual rate of each such payment made to him or her.

(d) The assessment computed under the foregoing provisions of this regulation shall be collected by the Tribunal by withholding it from payments. No part of the assessment so collected shall be refunded because of cessation of employment during the calendar year.

(e) Revenue derived from staff assessment shall be credited to a tax equalization fund established by the Tribunal.

(f) Where a staff member is subject both to staff assessment under this plan and to national income taxation in respect of the salaries and emoluments paid to him or her by the Tribunal, the Registrar is authorized to refund to him or her the amount of staff assessment collected from him or her provided that:

(i) The amount of such refund shall in no case exceed the amount of the staff member's income taxes paid and payable in respect of his or her income from the Tribunal;

(ii) If the amount of such income taxes exceeds the amount of staff assessment, the Registrar may also pay to the staff member the amount of such excess;

(iii) Payments made in accordance with the provisions of this regulation shall be charged to a tax equalization fund;

(iv) A payment under the conditions prescribed in the three preceding subparagraphs is authorized in respect of dependency benefits and post adjustments, which are not subject to staff assessment but may be subject to national income taxation.

Regulation 3.4

(a) Staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I shall be entitled to receive dependency allowances for a dependent child, for a disabled child and for a secondary dependant at rates approved by the General Assembly of the United Nations as follows:

(i) The staff member shall receive an allowance for each dependent child, except that the allowance shall not be paid in respect of the first dependent child if the staff member has no dependent spouse, in which case the staff member shall be entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3;

(ii) The staff member shall receive a special allowance for each disabled child. However, if the staff member has no dependent spouse and is entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3 in respect of a disabled child, the allowance shall be the same as the allowance for a dependent child in (i) above;

(iii) Where there is no dependent spouse, a single annual allowance shall be paid for a secondary dependant in respect of either a dependent parent, a dependent brother or a dependent sister.

(b) If both husband and wife are staff members, one may claim, for dependent children, under subparagraph (a) (i) and (ii) above, in which case the other may claim only under subparagraph (a) (iii) above, if otherwise entitled.

(c) With a view to avoiding duplication of benefits and in order to achieve equality between staff members who receive dependency benefits under applicable laws in the form of governmental grants and staff members who do not receive such dependency benefits, the Registrar shall prescribe conditions under which the dependency allowance for a child specified in subparagraph (a) (i) shall be payable only to the extent that the dependency benefits enjoyed by the staff member or his or her spouse under applicable laws amount to less than such a dependency allowance.

(d) Staff members whose salary rates are set by the Registrar under paragraph 5 or paragraph 6 of annex I shall be entitled to receive dependency

allowances at rates and under conditions determined by the Registrar, due regard being given to the circumstances in the locality in which the office is located.

(e) Claims for dependency allowances shall be submitted in writing and supported by evidence satisfactory to the Registrar. A separate claim for dependency allowances shall be made each year.

Regulation 3.5

(a) Staff members of the Registry in the General Service category shall be entitled to compensation for overtime work done on the instructions of the Registrar outside the normal hours or on other than working days. Such compensation shall take the form of either compensatory leave or a supplementary payment, on the terms stated in the Staff Rules.

(b) Staff members other than those in the General Service category may be given compensatory leave if they have worked considerable or frequent overtime periods.

Article IV

Appointment and promotion

Regulation 4.1

(a) Staff members of the Registry shall be appointed by the Tribunal on proposals submitted by the Registrar.

(b) Appointments of staff members in the General Service category and of short-term staff shall, however, be made by the Registrar with the approval of the President of the Tribunal.

(c) On appointment, staff members shall receive a letter of appointment drawn up in accordance with annex II. Such letter of appointment shall contain expressly or by reference all the terms and conditions of employment.

Regulation 4.2

The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Regulation 4.3

Selection of staff members shall be made without distinction as to race, sex or religion. So far as practicable, selection shall be made on a competitive basis.

Regulation 4.4

Subject to the provisions of article 35, paragraph 2, of the Rules of the Tribunal, and without prejudice to the recruitment of fresh talent at all levels, the fullest regard shall be had, in filling vacancies, to the requisite qualifications and experience of persons already in the service of the Tribunal. This consideration shall also apply, on a reciprocal basis, to the United Nations, its specialized agencies and other organizations brought into relationship with the United Nations.

Regulation 4.5

The Registrar shall establish appropriate medical standards that staff members shall be required to meet before appointment.

Article V

Annual and special leave

Regulation 5.1

Staff members shall be allowed appropriate annual leave.

Regulation 5.2

Special leave may be authorized by the Registrar in exceptional cases.

Regulation 5.3

Eligible staff members shall be granted home leave once in every two years. A staff member whose home country is either the country of his or her official duty station or the country of his or her normal residence while in the service of the Tribunal shall not be eligible for home leave.

Article VI

Social security

Regulation 6.1

Provision shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the regulations of that Fund.

Regulation 6.2

The Registrar shall establish a scheme of social security for the staff, including provisions for health protection, sick leave and maternity leave, and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Tribunal.

Article VII

Travel and removal expenses

Regulation 7.1

Subject to conditions and definitions prescribed by the Registrar, the Tribunal shall in appropriate cases pay the travel expenses of staff members, their spouses and dependent children.

Regulation 7.2

Subject to conditions and definitions prescribed by the Registrar, the Tribunal shall pay removal costs for staff members.

Article VIII

Staff relations

Regulation 8

(a) A Staff Committee elected by the staff (other than short-term staff) shall be established; it shall consist of three staff members, of whom at least one shall be a staff member in the General Service category and at least one a staff member in the Professional and higher categories.

(b) The Staff Committee shall be entitled to make proposals to the Registrar and to be consulted on general problems of staff welfare, conditions of work and general personnel policies. General administrative instructions on such questions shall, except in cases of urgency, be shown in advance to the Committee for consideration and comment.

(c) Individual staff members shall remain entitled to approach the Registrar directly on any matter relating to their own rights and duties, and the Staff Committee shall not intervene in any such matter unless requested to do so by the staff member concerned.

(d) The Registrar shall afford facilities for meetings of the staff and of the Staff Committee, and shall allow members of the Staff Committee sufficient time for the performance of their functions, during office hours.

Article IX

Separation from service

Regulation 9.1

(a) The Registrar may terminate the appointment of a staff member who holds a permanent appointment and whose probationary period has been completed, if the necessities of the service require abolition of the post or reduction of the staff, if the services of the individual concerned prove unsatisfactory, or if he or she is, for reasons of health, incapacitated for further service.

The Registrar may also, giving reasons therefor, terminate the appointment of a staff member who holds a permanent appointment:

(i) If the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by article 35, paragraph 2, of the Rules of the Tribunal;

(ii) If facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established in the Rules of the Tribunal, have precluded his or her appointment.

Finally, the Registrar may terminate the appointment of a staff member who holds a permanent appointment if such action would be in the interest of the good administration of the Tribunal and in accordance with the standards of the Rules of the Tribunal, provided that the action is not contested by the staff member concerned.

(b) The Registrar may terminate the appointment of a staff member with a fixed-term appointment prior to the expiration date for any of the reasons specified in paragraph (a) or for such other reason as may be specified in the letter of appointment.

(c) In the case of all other staff members, including staff members serving a probationary period for a permanent appointment, the Registrar may at any time terminate the appointment if, in his or her opinion, such action would be in the interest of the Tribunal.

Regulation 9.2

Staff members may resign from the Registry upon giving the Registrar the notice required under the terms of their appointment.

Regulation 9.3

(a) If the Registrar terminates an appointment, the staff member shall be given such notice and such indemnity payment as may be applicable under these Regulations and the Staff Rules. Payments of termination indemnity shall be

made by the Registrar in accordance with the rates and conditions specified in annex III.

(b) The Registrar may, where the circumstances warrant and he or she considers it justified, pay to a staff member terminated under the final paragraph of regulation 9.1 (a) a termination indemnity payment not more than 50 per cent higher than that which would otherwise be payable under these Regulations.

Regulation 9.4

The Registrar shall establish a scheme for the payment of repatriation grants within the maximum rates and under the conditions specified in annex IV.

Regulation 9.5

(a) The age limit for members of the staff shall be 62 years.

(b) The Tribunal may, however, on the proposal of the Registrar, decide to retain a staff member in the service beyond this age limit. For staff members in the General Service category and for short-term staff, the decision whether to grant an extension shall be taken by the Registrar, with the approval of the President of the Tribunal.

(c) Any such extension shall not exceed one year at a time.

Article X

Disciplinary measures

Regulation 10

(a) The Registrar may impose disciplinary measures on staff members whose conduct is unsatisfactory. The Registrar may summarily dismiss a member of the staff for serious misconduct.

(b) The Registrar may establish an advisory machinery with staff participation for these purposes.

Article XI

Appeals

Regulation 11

(a) There is hereby established a Conciliation Committee, consisting of three staff members of the Registry selected as follows:

(i) One member designated by the Registrar;

(ii) One member elected by the Staff Committee or, if it has proved impossible to form that Committee, one member elected by the staff as a whole, by simple majority; and

(iii) A chairman chosen by the above two members or, if there has been a failure of agreement between them, designated by the President of the Tribunal.

(b) Each member of the Conciliation Committee selected in accordance with paragraph (a) shall have an alternate selected in the same manner, who shall sit in the event of it being impossible for the full member to do so for the reasons set forth in paragraph (c) or for any other compelling reason, such as ill-health.

(c) Members of the Conciliation Committee and their alternates may not deal with any case in which they have previously taken part, in whatever capacity, or the decision of which could be of direct concern to them.

(d) The term of office of the members of the Conciliation Committee and their alternates shall be three years. In case of a casual vacancy, a member shall be selected as soon as practicable for the remainder of the predecessor's term; the selection shall be made in the manner prescribed above for the original selection. A member shall hold office until replaced but, though replaced, shall finish any case with which that member may have begun to deal before the replacement, provided that the member remains a staff member of the Registry.

(e) A staff member of the Registry may lodge a complaint with the Conciliation Committee:

(i) Against an administrative decision alleging non-observance of that member's contract or of that member's terms of employment, the words "contract" and "terms of employment" comprising all provisions of these Regulations, and of the texts referred to therein, as may have been in force at the time of the alleged non-observance; or

(ii) Against any disciplinary actions taken against that member.

(f) The Conciliation Committee shall hear the staff member and the Registrar and endeavour to settle the matter by way of conciliation in accordance with the applicable provisions of annex V.

(g) In the event of a failure to achieve a conciliation, the administrative decision or disciplinary action may be the subject of an Application to the United Nations Administrative Tribunal, in accordance with the statute of that Administrative Tribunal and under the conditions agreed between the International Tribunal for the Law of the Sea and the United Nations.

(h) In the event of difficulty in the application of this regulation and of annex V, the Tribunal will decide.

Article XII

General provisions

Regulation 12.1

(a) These Regulations may be supplemented or amended by the Tribunal, without prejudice to the acquired rights of staff members.

(b) Staff members may suggest to the Registrar amendments to these Regulations.

Regulation 12.2

Such staff rules and amendments thereto as the Registrar may make to implement these Regulations shall be provisional until the requirements of regulations 12.3 and 12.4 have been met.

Regulation 12.3

The full text of provisional staff rules and amendments shall be reported annually to the Tribunal. Should the Tribunal find that a provisional rule or amendment is inconsistent with the intent and purpose of these Regulations, it may direct that the rule or amendment be withdrawn or modified.

Regulation 12.4

The provisional staff rules and amendments reported by the Registrar, taking into account such modifications or deletions as may be directed by the Tribunal, shall enter into full force and effect on 1 January following the year in which the report is made to the Tribunal.

Regulation 12.5

Staff rules shall not give rise to acquired rights within the meaning of regulation 12.1 (a) while they are provisional.

Regulation 12.6

(a) Should the United Nations Staff Regulations be amended in such a way as to affect the United Nations common system of salaries, allowances and benefits, the Registrar shall promulgate, as soon as practicable, such amendments to these Regulations as are required to ensure compatibility with that system, with an indication of the date from which they take effect. These amendments apply provisionally pending a decision of the Tribunal under paragraph (b).

(b) The text of the provisional amendments referred to in paragraph (a) shall be communicated to the Tribunal as soon as promulgated. The Tribunal shall examine such amendments as soon as possible and take a decision whether or not to amend these Regulations under regulation 12.1.

(c) In exceptional cases, if the Registrar considers that an amendment to the United Nations Staff Regulations should be examined by the Tribunal before taking effect in the Registry, he or she may postpone promulgation of an amendment to these Regulations, and shall in such case report the matter forthwith to the Tribunal.

Regulation 12.7

(a) These Regulations apply to all staff members of the Registry, with the exception of regulations 4.1, 9.1, 9.2, 9.5, 10 and 11, which do not apply to the Registrar, the Deputy Registrar or the Assistant Registrar.

(b) Annexes I to V form an integral part of these Regulations.

Annex I

SALARY SCALES AND RELATED PROVISIONS

(See regulation 3.1)

1. The Registrar shall establish the salaries of officials in the Director category and above, in accordance with amounts determined by the General Assembly of the United Nations, subject to the staff assessment plan provided in regulation 3.3 and to post adjustments wherever applied. If otherwise eligible, they shall receive the allowances that are available to staff members generally.

2. The Registrar is authorized, on the basis of appropriate justification and/or reporting, to make additional payments to officials in the Director category and above to compensate for such special costs as may be reasonably incurred, in the interests of the Tribunal, in the performance of duties assigned to them by the Registrar. Similar additional payments in similar circumstances may be made to heads of offices when they are away from the seat of the Tribunal. The maximum total amount of such payments is to be determined in the budget by the Meeting of States Parties to the United Nations Convention on the Law of the Sea.

3. Except as provided in paragraph 5, the salary scales and the scales of post adjustment for staff members in the Professional and higher categories shall be as provided in this annex.

4. Subject to satisfactory service, salary increments within the levels set forth in paragraph 3 shall be awarded annually, except that any increments above step XI of the Associate Officer level, step XIII of the Second Officer level, step XII of the First Officer level, step X of the Senior Officer level and step IV of the Principal Officer level shall be preceded by two years at the previous step. The Registrar is authorized to reduce the interval between salary increments to ten months and twenty months, respectively, in the case of staff subject to geographical distribution who have an adequate and confirmed knowledge of a second official language of the Tribunal.

5. The Registrar shall determine the salary rates to be paid to personnel specifically engaged for short-term missions, conference and other short-term service, to consultants and to technical experts.

6. The Registrar shall fix the salary scales for staff members in the General Service and related categories, normally on the basis of the best prevailing conditions of employment in the locality of the Tribunal, provided that the Registrar may, where he or she deems it appropriate, establish rules and salary limits for payment of a non-resident allowance to General Service staff members recruited from outside the local area. The gross pensionable remuneration of such staff shall be determined in accordance with the methodology specified in article 54 (a) of the Regulations of the United Nations Joint Staff Pension Fund and are shown in the salary scales applicable to such staff.

7. The Registrar shall establish rules under which a language allowance may be paid to staff members in the General Service category who pass an appropriate test and demonstrate continued proficiency in the use of both of the official languages of the Tribunal.

8. The Registrar may adjust the basic salaries set forth in paragraphs 1 and 3 by the application of non-pensionable post adjustments based on relative costs of living, standards of living and related factors at the office concerned as compared to New York. Such post adjustments shall not be subject to staff assessment.

9. No salary shall be paid to staff members in respect of periods of unauthorized absence from work unless such absence was caused by reasons beyond their control or duly certified medical reasons.

SALARY SCALE FOR STAFF IN THE PROFESSIONAL CATEGORY AND ABOVE*

Annual gross salaries and net equivalents after application of staff assessment

Effective 1 March 1998

(In United States dollars)

Level		STEPS I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV
Under-Secretary-General																
USG	Gross	147 420														
	Net D	102 130														
	Net S	91 883														
Assistant Secretary-General																
ASG	Gross	133 994														
	Net D	93 671														
	Net S	84 821														
Director																
D-2	Gross	109 741	112 164	114 591	117 016	119 442	121 869									
	Net D	78 390	79 919	81 447	82 975	84 504	86 032									
	Net S	72 056	73 338	74 615	75 890	77 167	78 443									
Principal Officer																
D-1	Gross	97 119	99 168	101 216	103 261	105 310	107 358	109 407	111 476	113 552						
	Net D	70 324	71 633	72 942	74 249	75 558	76 867	78 176	79 485	80 793						
	Net S	65 012	66 156	67 299	68 440	69 583	70 726	71 869	72 976	74 068						
Senior Officer																
P-5	Gross	85 685	87 516	89 347	91 192	93 046	94 898	96 751	98 605	100 457	102 310	104 164	106 016	107 869		
	Net D	62 983	64 168	65 352	66 537	67 721	68 905	70 089	71 274	72 457	73 641	74 826	76 009	77 194		
	Net S	58 486	59 570	60 653	61 705	62 740	63 773	64 807	65 842	66 875	67 909	68 944	69 977	71 011		
First Officer																
P-4	Gross	70 619	72 382	74 141	75 913	77 700	79 483	81 269	83 054	84 839	86 623	88 406	90 197	92 003	93 811	95 619
	Net D	53 196	54 353	55 507	56 660	57 817	58 971	60 126	61 281	62 436	63 590	64 744	65 901	67 055	68 210	69 365
	Net S	49 523	50 584	51 643	52 700	53 758	54 814	55 871	56 928	57 985	59 041	60 096	61 150	62 158	63 166	64 175
Second Officer																
P-3	Gross	57 720	59 351	60 984	62 613	64 246	65 889	67 542	69 197	70 851	72 506	74 159	75 824	77 500	79 176	80 854
	Net D	44 669	45 754	46 839	47 923	49 008	50 093	51 178	52 263	53 348	54 434	55 518	56 603	57 687	58 772	59 858
	Net S	41 685	42 683	43 682	44 679	45 678	46 675	47 670	48 667	49 662	50 658	51 654	52 648	53 640	54 632	55 626
Associate Officer																
P-2	Gross	46 458	47 883	49 305	50 728	52 149	53 572	54 996	56 453	57 915	59 372	60 830	62 291			
	Net D	37 035	38 006	38 976	39 946	40 916	41 886	42 857	43 826	44 798	45 768	46 737	47 709			
	Net S	34 741	35 622	36 500	37 380	38 258	39 138	40 017	40 909	41 804	42 696	43 588	44 482			
Assistant Officer																
P-1	Gross	35 382	36 718	38 051	39 386	40 719	42 052	43 388	44 722	46 081	47 449					
	Net D	29 317	30 251	31 183	32 116	33 048	33 979	34 914	35 845	36 777	37 710					
	Net S	27 655	28 515	29 372	30 230	31 087	31 944	32 804	33 661	34 508	35 353					

D = Rate applicable to staff members with a dependent spouse or child

S = Rate applicable to staff members with no dependent spouse or child

* = This scale will be implemented in conjunction with a consolidation of 3.1 per cent of post adjustment. There will be consequential adjustments in the post adjustment indices and multipliers at all duty stations effective 1 March 1998. Thereafter, changes in post adjustment classifications will be effected on the basis of the movements of the consolidated post adjustment indices.

Annex II

LETTERS OF APPOINTMENT

(See regulation 4.1)

1. The letter of appointment of a staff member shall state:

(a) That the appointment is subject to the provisions of these Regulations applicable to the category of appointment in question and to changes which may be duly made in such Regulations from time to time;

(b) The nature of the appointment;

(c) The date at which the staff member is required to enter upon duties;

(d) The period of appointment, the notice required to terminate it and the period of probation, if any;

(e) The category, level, commencing rate of salary and, if increments are allowable, the scale of increments and the maximum attainable;

(f) Any special conditions which may be applicable.

2. A copy of these Regulations shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall state that he or she has been informed of the conditions laid down in these Regulations and accepts them.

Annex III

TERMINATION INDEMNITY

(See regulation 9.3)

Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:

(a) Except as provided in subparagraphs (b), (c) and (e) and in regulation 9.3 (b), the termination indemnity shall be paid in accordance with the following schedule:

	Months of gross salary less staff assessment, where applicable[a] or Months of pensionable remuneration less staff assessment, where applicable[b]		
Completed years of service	Permanent appointments	Temporary appointments which are not for a fixed term	Temporary appointments for a fixed term exceeding six months
Less than 1	Not applicable	Nil)	One week for each
1	Not applicable	1)	month of uncompleted
2	3	1)	service subject to a
3	3	2)	minimum of six weeks'
4	4	3)	and a maximum of three
5	5	4)	months' indemnity pay
6	6	5	3
7	7	6	5
8	8	7	7
9	9	9	9
10	9.5	9.5	9.5
11	10	10	10
12	10.5	10.5	10.5
13	11	11	11
14	11.5	11.5	11.5
15 or more	12	12	12

[a] For staff in the Professional and higher categories.

[b] For staff in the General Service and related categories.

(b) A staff member whose appointment is terminated for reasons of health shall receive an indemnity equal to the indemnity provided under subparagraph (a) reduced by the amount of any disability benefit that the staff member may receive under the Regulations of the United Nations Joint Staff Pension Fund for the number of months to which the indemnity rate corresponds.

(c) A staff member whose appointment is terminated for unsatisfactory services or who for disciplinary reasons is dismissed for misconduct other than by summary dismissal may be paid, at the discretion of the Registrar, an indemnity not exceeding one half of the indemnity provided under subparagraph (a).

(d) No indemnity payments shall be made to:

A staff member who resigns, except where termination notice has been given and the termination date agreed upon;

A staff member who has a temporary appointment that is not for a fixed term and that is terminated during the first year of service;

A staff member who has a temporary appointment for a fixed term that is completed on the expiration date specified in the letter of appointment;

A staff member who is summarily dismissed;

A staff member who abandons his or her post;

A staff member who is retired under the Regulations of the United Nations Joint Staff Pension Fund.

(e) Staff members specifically engaged for conference and other short-term service or for service with a mission, as consultants or as experts, may be paid termination indemnity if and as provided in their letters of appointment.

Annex IV

REPATRIATION GRANT

(See regulation 9.4)

In principle, the repatriation grant shall be payable to staff members whom the Tribunal is obligated to repatriate and who at the time of separation are residing, by virtue of their service with the Tribunal, outside their country of nationality. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Eligible staff members shall be entitled to a repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Registrar.

Years of continuous service away from home country	Staff member with a spouse or dependent child at time of separation	Staff member with neither a spouse nor a dependent child at time of separation	
		Professional and higher categories	General Service category
	Weeks of gross salary less staff assessment, where applicable[a] or Weeks of pensionable remuneration less staff assessment, where applicable[b]		
1	4	3	2
2	8	5	4
3	10	6	5
4	12	7	6
5	14	8	7
6	16	9	8
7	18	10	9
8	20	11	10
9	22	13	11
10	24	14	12
11	26	15	13
12 or more	28	16	14

[a] For staff in the Professional and higher categories.

[b] For staff in the General Service and related categories.

Annex V

PROCEEDINGS BEFORE THE CONCILIATION COMMITTEE

(See regulation 11)

1. A staff member of the Registry who wishes to lodge a complaint under regulation 11, paragraph (e), shall first address a letter to the Registrar requesting a review of the administrative decision or disciplinary action complained of. The letter must be sent within 30 days of the date on which the staff member received notification or became aware of the decision or action.

2. (a) The staff member may proceed with a complaint if the Registrar, in writing, rejects in whole or in part the request, or if no reply is received by the staff member within 30 days of the date on which the member's letter was received by the Registrar.

(b) The complaint shall be in writing and shall be lodged by the staff member with the Conciliation Committee within 30 days of receipt of the Registrar's reply, or, if there is no reply within 30 days of the date on which the staff member's letter was received by the Registrar, within the next 30 days.

3. In case of disciplinary action, the staff member may lodge a complaint with the Conciliation Committee either in conformity with paragraphs 1 and 2 or within 30 days of the date on which the member received notification or became aware of the action complained of.

4. When lodging a complaint the staff member shall send a copy to the Registrar. Within 30 days of receiving the copy, the Registrar shall send a reply in writing to the Conciliation Committee and, at the same time, a copy to the staff member. The Chairman of the Committee shall ensure that those copies have in fact been received by the addressees.

5. As soon as practicable after receiving the Registrar's reply, the Conciliation Committee shall endeavour to conciliate between the parties and shall hear them for that purpose. In the event of a successful conciliation, it shall record the agreement of the parties in a Minute. In the event of failure, it shall draw up a report summarizing the procedure followed, the arguments of the parties and the recommendations made by the Committee during the proceedings. That report shall be transmitted to the Registrar and to the staff member. By virtue of regulation 11, paragraph (g), and within the time limit indicated in the agreement between the Tribunal and the United Nations for which provision is made in that paragraph, the staff member shall be entitled to submit an Application to the United Nations Administrative Tribunal.

UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
GENERAL

SPLOS/38
17 May 1999

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Ninth Meeting
New York, 19-28 May 1999

LETTER DATED 14 MAY 1999 FROM THE CHAIRMAN OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF ADDRESSED TO THE PRESIDENT OF THE NINTH MEETING OF STATES PARTIES

I would like to draw your attention that at the Eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea, under the agenda item entitled "Issues submitted to the Meeting of States Parties by the Commission on the Limits of the Continental Shelf" in my capacity as Chairman of the Commission, I presented for consideration of States Parties, inter alia, the issue of financing the participation of members from the developing countries in the work of the Commission. The Commission requested the Meeting of States Parties to consider a recommendation for the establishment of a trust fund to be administered by the Secretary-General of the United Nations. Such a fund would be used to meet the travel and accommodation expenses of members of the Commission from developing countries (SPLOS/28, para. 5 (b)).

The Eighth Meeting of States Parties requested the Secretariat to explore the various possibilities that could be made available to allow all members to participate in the Commission, as well as the modalities for a trust fund, on the understanding that the Convention clearly sets out the principle that States Parties should defray the costs of the members they nominated (SPLOS/31, para. 55).

On behalf of the Commission I would kindly request you to propose to the States Parties to consider this item at their Ninth Meeting following the report of the Secretariat in response to the request of the Eighth Meeting.

(Signed) Yuri B. KAZMIN
Chairman of the Commission
on the Limits of the Continental Shelf

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UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
GENERAL

SPLOS/39
21 May 1999

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Ninth Meeting
New York, 19-28 May 1999

ISSUES SUBMITTED TO THE MEETING OF STATES PARTIES BY THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

Note by the Secretariat

1. The Eight Meeting of States Parties to the United Nations Convention on the Law of the Sea in May 1998 requested the Secretariat to explore the various possibilities that could be made available to allow all members of the Commission on the Limits of the Continental Shelf to participate in the Commission, as well as the modalities for a trust fund, on the understanding that the Convention clearly sets out the principle that States parties should defray the costs of the members they nominated (SPLOS/31, para. 55).

2. This decision was taken following the consideration of the issues submitted by the Chairman of the Commission on its behalf which, inter alia, contained a request for the Meeting of States Parties to consider a recommendation for the establishment of a trust fund to be administered by the Secretary-General of the United Nations. Such a fund would be used to meet the travel and accommodation expenses of members of the Commission from developing countries (SPLOS/28, para. 5 (b)).

3. Normally trust funds are established and administered by the United Nations in accordance with the Secretary-General's bulletin ST/SGB/188 of 1 March 1982 and with administrative instruction ST/AI/284, also dated 1 March 1982. The management of trust funds is governed by the United Nations Financial Rules and Regulations.

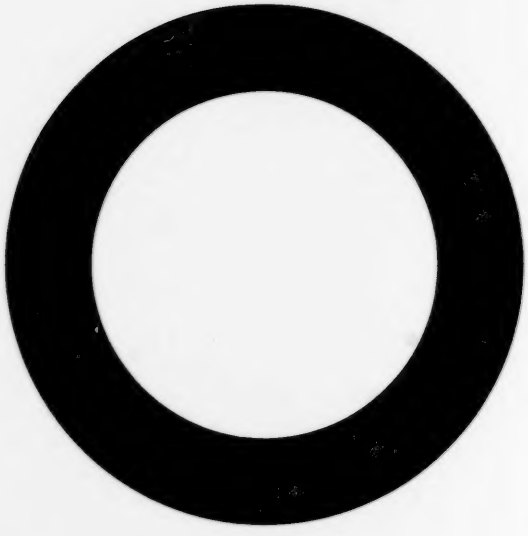
4. Trust funds may be established either by the General Assembly or by the Secretary-General. When a trust fund is established by the General Assembly, the terms of reference of the fund are set out in a General Assembly resolution or in documentation referred to in the resolution. Before the fund is established, prospective donors must be made fully aware of United Nations policy and procedures regarding trust funds. In particular, they should be advised that trust funds are charged programme support costs for all activit s

financed from the trust funds, the amount to be calculated at a standard percentage rate approved by the General Assembly. The conclusion of an agreement between the Organization and prospective donors might also be necessary.

5. Trust funds have been created within the United Nations system to ensure that delegates from developing countries are able to participate in conferences and other forums convened under the auspices of the United Nations and have consisted of voluntary contributions made by States for the purposes of a specific trust fund. For example, the General Assembly in its resolution 47/192 of 22 December 1992 decided to establish a voluntary fund for the purpose of assisting developing countries, especially those most concerned by the subject matter of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, to participate fully and effectively in the Conference. The Assembly also invited Governments and regional economic organizations to contribute to the trust fund.

6. The main objective in that case was to allow Governments of the developing countries to communicate their views to the Conference to enable it to adopt a decision arrived at with the participation of all States concerned, including the representatives of such developing States.

7. In the case of the Commission on the Limits of the Continental Shelf, its members are elected in their personal capacity as experts in the field of geology, geophysics or hydrography. Their functions are to consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles and to make recommendations in accordance with the provisions of the Convention. They also provide scientific and technical advice, if requested by the coastal State concerned, during the preparation of the data referred to above.



UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
GENERAL

SPLOS/40
20 May 1999

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Ninth Meeting
New York, 19-28 May 1999

AGENDA

1. Opening of the ninth Meeting by the President of the eighth Meeting.

2. Minute of silent prayer or meditation.

3. Election of the President.

4. Adoption of the agenda for the ninth Meeting.

5. Election of the Vice-Presidents.

6. Appointment of the Credentials Committee.

7. Organization of work.

8. Report of the International Tribunal for the Law of the Sea to the Meeting of States Parties (1998) (rule 6 of the Rules of Procedure for Meetings of States Parties) (SPLOS/35).

9. Draft budget of the International Tribunal for the Law of the Sea for 2000, as submitted by the Tribunal (SPLOS/WP.9).

10. Adjustment of the remuneration of members of the International Tribunal for the Law of the Sea (SPLOS/WP.10 and Add.1).

11. Supplementary budget proposal of the International Tribunal for the Law of the Sea for 1999 (SPLOS/WP.11).

12. Election of seven members of the International Tribunal for the Law of the Sea.

13. Consideration of the Financial Regulations of the International Tribunal for the Law of the Sea as approved by the Tribunal (SPLOS/36).

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14. Consideration of the Staff Regulations of the International Tribunal for the Law of the Sea as approved by the Tribunal (SPLOS/37).

15. Conditions under which retirement pensions may be given to members of the Tribunal (see article 18, para. 7, of annex VI to the Convention) (SPLOS/WP.7/Rev.1).

16. Rules of procedure of the Meeting of States Parties, in particular, the rules dealing with the decisions on questions of substance (rule 53) and the establishment of a financial committee.

17. Other matters.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

SPLOS

MEETING OF STATES PARTIES

Distr.
GENERAL

SPLOS/41
21 May 1999

ORIGINAL: ENGLISH

Meeting of States Parties
Ninth Meeting
New York, 19-28 May 1999

CREDENTIALS OF REPRESENTATIVES TO THE NINTH MEETING OF STATES PARTIES TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

First Report of the Credentials Committee

Chairman: Mr. Marthinus van Schalkwyk (South Africa)

1. At its 35th meeting, on 19 May 1999, the Ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea appointed a Credentials Committee consisting of the following nine members: Cameroon, Croatia, Germany, Malta, Micronesia (Federated States of), Philippines, South Africa, Trinidad and Tobago and Uruguay.

2. The Credentials Committee held its first meeting on 21 May 1999.

3. Marthinus van Schalkwyk (South Africa) was elected Chairman of the Committee.

4. The Committee had before it a memorandum by the Secretariat, dated 20 May 1999, on the status of credentials of representatives participating in the Ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea.

5. As noted in paragraph 1 of the memorandum of the Secretariat, as orally amended during the meeting, formal credentials by the head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them had been received by the Secretariat for the representatives of the following 75 States participating in the Ninth Meeting of States Parties: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Barbados, Belize, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Cape Verde, Chile, China, Cook Islands, Costa Rica, Croatia, Cyprus, Czech Republic, Fiji, Finland, France, Germany, Ghana, Greece, Grenada, Guyana, Iceland, India, Indonesia, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Malaysia, Malta, Mexico,

Micronesia (Federated States of), Monaco, Mozambique, Myanmar, Namibia, Nauru, Nepal, New Zealand, Norway, Oman, Pakistan, Portugal, Republic of Korea, Russian Federation, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and Viet Nam.

6. As noted in paragraph 2 of the memorandum of the Secretariat, the formal credentials issued by the President of the European Commission had also been submitted for the representatives of the European Community.

7. As noted in paragraph 3 of the memorandum of the Secretariat, as orally amended during the meeting, information concerning the appointment of representatives participating in the Ninth Meeting of States Parties had been communicated by means of facsimile or in the form of letters or notes verbales from ministries, permanent missions to the United Nations or other government offices or authorities by the following 32 States participating in the Ninth Meeting of States Parties: Angola, Bahamas, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Democratic Republic of the Congo, Djibouti, Egypt, Georgia, Guinea, Guinea-Bissau, Haiti, Honduras, Iraq, Ireland, Lao People's Democratic Republic, Mauritania, Mauritius, Mongolia, Nigeria, Panama, Papua New Guinea, Philippines, Poland, Singapore, Spain, Sri Lanka, Sudan, Uruguay, Yemen and Zimbabwe.

8. The Chairman proposed that the Committee accept the credentials of all representatives mentioned in the memorandum of the Secretariat, supplemented by the additional information provided by the Secretariat during the meeting of the Credentials Committee, on the understanding that formal credentials of representatives referred to in paragraph 3 of the Secretariat's memorandum would be communicated to the Secretariat as soon as possible. The following draft resolution was proposed by the Chairman for adoption by the Committee:

> "The Credentials Committee,
>
> "Having examined the credentials of the representatives to the Ninth Meeting of State Parties to the United Nations Convention on the Law of the Sea referred to in paragraphs 1 to 3 of the memorandum of the Secretariat dated 20 May 1999, supplemented by the additional information provided by the Secretariat during the meeting of the Credentials Committee,
>
> "Accepts the credentials of the representatives concerned."

9. The draft resolution was adopted by the Committee without a vote.

10. Subsequently, the Chairman proposed that the Committee recommend to the Meeting of States Parties the adoption of the following draft resolution:

"Credentials of representatives to the Ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea

"The Ninth Meeting of States to the United Nations Convention on the Law of the Sea

"Approves the report of the Credentials Committee."

11. In the light of the foregoing, the present report is submitted to the Ninth Meeting of States Parties.

RECOMMENDATION OF THE CREDENTIALS COMMITTEE

12. The Credentials Committee recommends to the Ninth Meeting of States Parties the adoption of the following draft resolution:

"Credentials of representatives of the Ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea

"The Ninth Meeting of the States Parties to the United Nations Convention on the Law of the Sea

"Approves the report of the Credentials Committee."

UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
GENERAL

SPLOS/42
25 May 1999

ORIGINAL: ENGLISH

Meeting of States Parties
Ninth meeting
New York, 19-28 May 1999

CREDENTIALS OF REPRESENTATIVES TO THE NINTH MEETING OF STATES PARTIES TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Second report of the Credentials Committee

Chairman: Mr. Marthinus VAN SCHALKWYK (South Africa)

1. The Credentials Committee held its second meeting on 24 May 1999.

2. The Secretariat provided additional information on the status of credentials of representatives participating in the Ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea, as at 24 May 1999.

3. According to that information, formal credentials by the head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them had been received by the Secretariat for the representatives of the following 17 States participating in the Ninth Meeting of States Parties: Côte d'Ivoire, Dominica, Egypt, Gambia, Guatemala, Iraq, Ireland, Marshall Islands, Mauritius, Paraguay, Romania, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Seychelles, Sudan and Yemen.

4. Furthermore, information concerning the appointment of representatives participating in the Ninth Meeting of States Parties had been communicated by means of facsimile or in the form of letters or notes verbales from ministries, permanent missions to the United Nations or other government offices or authorities by the following nine States participating in the Ninth Meeting of States Parties: Botswana, Comoros, Cuba, Equatorial Guinea, Gabon, Mali, Netherlands, Palau and Zambia.

5. The Chairman proposed that the Committee accept the credentials of all representatives mentioned in the information provided by the Secretariat, on the understanding that formal credentials of representatives referred to in

paragraph 4 of the present report would be communicated to the Secretariat as soon as possible. The following draft resolution was proposed by the Chairman for adoption by the Committee:

"The Credentials Committee,

"Having examined the credentials of the representatives to the Ninth Meeting of State Parties to the United Nations Convention on the Law of the Sea referred to in the information provided by the Secretariat on 24 May 1999, during the second meeting of the Credentials Committee,

"Accepts the credentials of the representatives concerned."

6. The draft resolution was adopted by the Committee without a vote.

7. Subsequently, the Chairman proposed that the Committee recommend to the Meeting of States Parties the adoption of the following draft resolution:

"Credentials of representatives to the Ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea

"The Ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea

"Approves the second report of the Credentials Committee."

8. In the light of the foregoing, the present report is submitted to the Ninth Meeting of States Parties.

RECOMMENDATION OF THE CREDENTIALS COMMITTEE

9. The Credentials Committee recommends to the Ninth Meeting of States Parties the adoption of the following draft resolution:

"Credentials of representatives of the Ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea

"The Ninth Meeting of the States Parties to the United Nations Convention on the Law of the Sea

"Approves the second report of the Credentials Committee."

UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
GENERAL

SPLOS/43
27 May 1999

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Ninth Meeting
New York, 19-28 May 1999

DECISION RELATING TO THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

The ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea requests the Chairman of the Commission on the Limits of the Continental Shelf to report on the work of the Commission at the tenth Meeting of States Parties, including information on actual needs and financial estimates in view of the establishment of a trust fund to finance the participation of members from developing countries in the work of the Commission on the Limits of the Continental Shelf.

41st meeting
26 May 1999

99-15773 (E) 270599